IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21043 of 2004

Between:

Pulagam Mastan Reddy, S/o Ramana Reddy,
R/o James Garden, Nellore Nellore District

..... PETITIONER

AND

1 The Superintendent Engineer (Operation), A.P.Transco, Nellore District
2 The Assistant Engineer (Operation), A.P.Transco, Muthukur (V & M), Nellore District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate Writ, Order or direction, declaring the action of the respondents in disconnecting the power supply to the petitioner house plot No.112, in Muttukur (V & M), without any valid reasons and without any notice to the petitioner as highly arbitrary, illegal and contrary to the provisions of the act apart from violative of Principles and natural justice and further directing the respondents to restore the power supply to the petitioner house plot No.112, Meter Sl.No.0235166.

Counsel for the Petitioner : MR.P.VENKAT RAO

Counsel for the Respondents: SMT.M.VINOBHA DEVI

The Court, at the stage of admission, made the following :

ORDER:

Petitioner claims to have purchased some extent of land at Muthukur Village and Mandal, through sale deed, dated 03.11.2003, and developed the same into plots by providing roads and other facilities. It is his case that the 1st respondent sanctioned and provided power supply to the plots so developed vide proceedings, dated 25.05.2004, on deposit of an amount of Rs.3,00,000/-. Petitioner alleges that he incurred huge expenditure for laying the cables and providing internal connections etc. He complains that the power supply was disconnected on 10.11.2004 without initiating any proceedings or intimating the reasons. He challenges the action of the respondents in disconnecting the power supply.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

Petitioner has placed before this Court the proceedings, dated 25.05.2004, whereunder the 1st respondent sanctioned the power supply. He specifically pleaded that the supply has since been released to the petitioner in terms of the sanctioned letter. It is stated that the power supply was abruptly disconnected.

The respondents are vested with the power to disconnect the electricity supply, in case the consumer fails to pay the charges or violates the conditions of supply. Whenever the respondents propose to discontinue the power supply, they have to intimate the reasons for such an action to the consumer. The consumer may choose either to comply with the objections raised, or may avail the remedy in accordance with the terms and conditions of supply. There cannot be any justification for disconnecting the supply without intimating any reason.

Hence, the writ petition is disposed of directing that, in case, the respondents have not passed any orders or issued any notice to the petitioner, they shall do so, within one week from the date of receipt of a copy of this order. Thereafter, it shall be open

to the petitioner to workout his remedies depending on the nature of such action. In case, no order is passed or no notice is issued within the time stipulated above, the respondents shall be under obligation to restore the power supply, and in such an event, the petitioner shall be liable to pay the consumption charges. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Date: 24th November, 2004

Note: Furnish copy in

two days.

(B/o.)

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To

1 The Superintendent Engineer (Operation), A.P.Transco, Nellore District
2 The Assistant Engineer (Operation), A.P.Transco, Muthukur Village and Mandal, Nellore District.

3 2 CD copies.